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LEXISNEXIS RISK SOLUTIONS INC.

FILED
2012 JUL 20 PM 3:14
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - CENTRAL DISTRICT

JANE ROE,

Plaintiff,

v.

LEXISNEXIS RISK SOLUTIONS,
INC., d.b.a. CHOICEPOINT, a foreign
corporation doing business in California,
and DOES 1-10 inclusive,

Defendants.

Case No.

CV12-6284 GAF (EX)

**NOTICE OF REMOVAL OF
CIVIL ACTION TO UNITED
STATES DISTRICT COURT
PURSUANT TO 28 U.S.C. §§
1441(a) and (b)**

**(Federal Question [Federal Fair
Credit Reporting Act, 15 U.S.C. §
1681 *et seq.*], and Supplemental
Jurisdiction)**

[LASC Case No. BC 485507]

Complaint Filed: May 29, 2012

COPY

NOTICE OF REMOVAL

1 TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
2 DISTRICT OF CALIFORNIA, CENTRAL DISTRICT AND TO PLAINTIFF
3 AND HER COUNSEL OF RECORD:

4 PLEASE TAKE NOTICE that Defendant LexisNexis Risk Solutions Inc.
5 ("LexisNexis" or "Defendant") hereby files this Notice of Removal pursuant to 28
6 U.S.C. §§ 1331 and 1441(a) based on federal question jurisdiction in order to
7 effectuate the removal of the above-captioned action from the Superior Court of
8 the State of California for the County of Los Angeles, to the United States District
9 Court for the Central District of California, Central District, and states that the
10 removal is proper for the following reasons:

11
12 **I. BACKGROUND**

13
14 1. This removal involves an action that was filed on behalf of a
15 fictitiously named plaintiff, Jane Roe, in the Superior Court of the State of
16 California for the County of Los Angeles. The action is titled "*Jane Roe, Plaintiff*
17 *v. LexisNexis Risk Solutions, Inc, d.b.a. Choicepoint, a foreign corporation doing*
18 *business in California, and Does 1-10 inclusive, Defendants*" Case No. BC
19 485507. The Complaint alleges seven (7) causes of action: "FIRST ... Violation
20 of 15 United States Code §1681e(b)" (Cmplt. 8:21-22), "SECOND ... Violation of
21 15 United States Code §1681k(b)" (Cmplt. 9:10-11), "THIRD ... Violation of
22 California Civil Code §§1786.18(a)(7); 1786.20(a)" (Cmplt. 9:28-29), "FOURTH
23 ... Violation of California Civil Code §1786.20(b)" (Cmplt. 10:26-27), "FIFTH ...
24 Violation of California Civil Code §1786.28(b)" (Cmplt. 11:11-12), and the sixth
25 and seventh causes, which are both for alleged "Violation of California B&P
26 §1700 *et seq.*" (Cmplt. 11:30; 12:18: claims that are derivative of and dependent on
27 the first five, but enable the prayer for injunctive relieve).

28 2. Plaintiff filed the Complaint on May 29, 2012.

1 3. The Complaint has not been served on LexisNexis, but LexisNexis
2 was warned by Plaintiff that the Complaint would be filed and was able to obtain a
3 copy of the Complaint in connection with its periodic review of the California state
4 court filings. By way of its initial appearance in the state court for the purposes of
5 this removal (see ¶ 16 *infra*), LexisNexis accepts constructive service as of the date
6 of these filings. Accordingly, pursuant to 28 U.S.C. § 1446(a) copies of the:
7 Complaint; Los Angeles Superior Court Civil Cover Sheet; and Los Angeles
8 Superior Court Civil Cover Sheet Addendum and Statement of Location
9 collectively attached as Exhibit "1" hereto.

10
11 **II. TIMELINESS OF REMOVAL**

12
13 4. This notice of removal is timely filed as it is filed less than one year
14 from the date this action was commenced and within thirty days of service upon
15 LexisNexis. *See* 28 U.S.C. § 1446(b); *see Murphy Bros., Inc. v. Michetti Pipe*
16 *Stringing, Inc.*, 526 U.S. 344, 347-48 (1999) (thirty-day deadline to remove
17 commences upon effective service of summons and complaint).

18
19 **III. PROCEEDINGS IN STATE COURT**

20
21 5. The Superior Court has scheduled a Case Management Conference for
22 8:45 a.m. on October 15, 2012. There are no other proceedings scheduled in the
23 Superior Court. Exhibit "1" attached hereto constitutes all of the pleadings that
24 LexisNexis was able to obtain prior to the filing of this Notice of Removal.

25 ///

26 ///

27 ///

28 ///

1 **IV. FEDERAL QUESTION JURISDICTION**

2

3 6. This action is a civil action for which this Court has original

4 jurisdiction under 28 U.S.C. § 1331. The action may be removed to this Court by

5 LexisNexis under 28 U.S.C. Section 1441(a) because, as the first two causes of

6 action set forth above demonstrate, the action arises under the Fair Credit

7 Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA").

8 7. Any civil action commenced in state court is removable if it might

9 have been brought originally in federal court. *See* 28 U.S.C. § 1441(a); *see also*

10 *Exxon Mobil Corp. v. Allapattach Servs., Inc.*, 545 U.S. 546, 563-64 (2005)

11 (observing that a "district court has original jurisdiction of a civil action for

12 purposes of section 1441(a) as long as it has original jurisdiction over a subset of

13 claims constituting the action").

14

15 A. **Express Federal Statutory Grant of Original Jurisdiction Over**

16 **Claims Arising Under FCRA**

17 8. Federal courts have original jurisdiction over claims arising under the

18 FCRA. Under the FCRA, the district courts of the United States shall have

19 original jurisdiction over any action involving FCRA claims. *See* 15 U.S.C. §

20 1681p ("An action brought to enforce any liability created under this subchapter

21 may be brought in any appropriate United States District Court....").

22 9. To wit, this Court has original jurisdiction over this action pursuant to

23 28 U.S.C. § 1331 because Plaintiff's FCRA claims arise from the "Constitution,

24 laws or treaties of the United States." Accordingly, this action is removable to this

25 Court pursuant to 28 U.S.C. § 1441(a) ("[A]ny civil action brought in a State

26 court of which the district courts of the United States have original jurisdiction,

27 may be removed by the defendant ").

28

B. Decisions Recognizing Original Jurisdiction Under the FCRA

10. United States District Courts throughout the country readily observe that a “suit commenced in state court under the FCRA may be properly removed to federal court.” *Broom v. TRW Credit Data*, 732 F. Supp. 66, 68 (1990) (citing *Haun v. Retail Credit Co.*, 420 F. Supp. 859 (W.D. Pa. 1976), which observes that if “Congress were concerned about a particular danger of removal frustrating the ability of plaintiffs to successfully recover under the FCRA because of the peculiar nature of FCRA cases, it could easily have provided express protections [but] the FCRA contains no express removal prohibition.” *Id.* at 863); *see also Lockard v. Equifax, Inc.*, 163 F.3d 1259, 1264 (11th Cir. 1998) (observing propriety of FCRA-based removal).

11. Likewise, United States District Courts in California endorse the propriety of removal premised on the original federal jurisdiction conferred by the FCRA. *See, e.g., Sodano v. Chase Bank USA, NA*, 2012 U.S. Dist. LEXIS 60997 (E.D. Cal. May 1, 2012)¹ (ordering “that: (1) plaintiffs’ motion to remand be denied” because it “finds *Lockard* persuasive....”); *cf. Lockard, supra*.

V. SUPPLEMENTAL JURISDICTION

12. All of Plaintiff’s claims arise from alleged deficiencies in a single “background check report” referred to throughout Plaintiff’s Complaint as “the SUBJECT REPORT.” (Cmplt. 6:12-16). Accordingly, the Court may exercise supplemental jurisdiction over those claims pursuant to 28 U.S.C. § 1367(a) since the claims arise as part of the same “case and controversy”:

[I]n any civil action of which the district courts have original jurisdiction, the district courts shall have

¹ A decision issued less than three months ago.

1 supplemental jurisdiction over all other claims that are so
 2 related to claims in the action within such original
 3 jurisdiction that they form part of the same case or
 controversy

4 *Id.*

5 13. Indeed, this Court should exercise supplemental jurisdiction over all
 6 claims. As Plaintiff's Complaint all but expressly concedes, all of her claims arise
 7 from the same "common nucleus of operative fact," as the factual allegations
 8 supporting each cause of action are substantially the same. *United Mine Workers*
 9 *of America v. Gibbs*, 383 U.S. 715, 725 (1966). For example, she alleges that
 10 "both Congress (through the Fair Credit Reporting Act ("FCRA") under 15 USC
 11 §1681 *et seq.*) and the California legislature (through the Investigative Consumer
 12 Reporting Agencies Act ("ICRAA") under Cal. Civ. C. § 1786 *et seq.*) have
 13 enacted comprehensive legislation regulating the procurement and issuance of
 14 background check reports.... Both the FCRA and the ICRAA requires [sic] a
 15 background check company to follow extremely stringent procedures
 16 Defendant failed to fulfill its duties under the FCRA and the ICRAA, as a result of
 17 which a background check report containing inaccurate, incomplete, and out-of-
 18 date [data] concerning Plaintiff was furnished to her prospective employer"
 19 (See Cmplt. 2:5 "NATURE OF THE ACTION" at ¶¶ 5, 6, & 9).

20 14. Setting aside the dubiously non-specific nature of these inflammatory
 21 allegations (for the purposes of this removal only), Plaintiff's depiction of the
 22 "Nature of the Action" certainly make clear that Plaintiff contends that a "common
 23 nucleus of operative facts" gives rise to all seven claims set forth in her Complaint.
 24 As such, Plaintiff "would ordinarily be expected to try [all of her claims] in one
 25 judicial proceeding." *Gibbs*, 383 U.S. at 725.

26 ///

27 ///

28 ///

1 **VI. VENUE**

2
3 15. Removal to this Court is proper because this action originally was
4 filed in the Superior Court of the State of California, County of Los Angeles.
5 Thus, without waiving LexisNexis' right to challenge, among other things,
6 personal jurisdiction and/or venue by way of a motion or otherwise, venue lies in
7 this Court pursuant to 28 U.S.C. §§ 1391(a) and 1441(a).
8

9 **VII. SERVICE OF NOTICE OF REMOVAL ON PLAINTIFF AND THE**
10 **SUPERIOR COURT**

11
12 16. Notice of this notice of removal will promptly be served on Plaintiff
13 and the Clerk of the Superior Court of the State of California in and for the County
14 of Los Angeles.
15

16 WHEREFORE, Defendant LexisNexis prays that this civil action be
17 removed from the Superior Court of the State of California, County of Los Angeles
18 to the United States District Court for the Central District of California.
19

20 DATE: July 20, 2012

SEYFARTH SHAW LLP

21
22
23 By 

John R. Giovannone

Attorneys for Defendant
LEXISNEXIS RISK SOLUTIONS
INC.
24
25
26
27
28

EXHIBIT 1

70059
A6024

FILED
Los Angeles Superior Court

MAY 29 2012

John A. Clarke, Executive Officer/Clerk
By Dorothy Swain Deputy

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Attorneys for Plaintiff
JANE ROE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

CASE NO. **BC485507**

JANE ROE,

Plaintiff,

vs.

LEXISNEXIS RISK SOLUTIONS, INC.,
d.b.a. CHOICEPOINT, a foreign corporation
doing business in California, and DOES 1-10
inclusive,

Defendants.

**COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF:**

1. 15 USC §1681e(b)
2. 15 USC §1681k(a)(2)
3. Civ. Code §§1786.18(a)(7); 1786.20(a)
4. Civ. Code § 1786.20(b)
5. Civ. Code § 1786.28(b)
6. Unlawful Business Practices Pursuant to
Bus. & Prof. Code §17200 *et seq.*
7. Unfair Business Practices Pursuant to
& Prof. Code §17200 *et seq.*

JURY TRIAL DEMANDED

CI/CASE: KC485507 LEA/REF#:
RECEIPT #: CCH18782014
DATE PAID: 05/29/12 12:58:48 PM
FEE: \$395.00
RECEIVED: 0310

CHECK: 395.00
CASH:
CHANGE:
CARD:

Case assigned to Judge

1 Plaintiff JANE ROE (hereafter as "Plaintiff") complains against Defendants
 2 LEXISNEXIS RISK SOLUTIONS, INC. and DOES 1-10 inclusive (collectively as "Defendant"
 3 or "LEXISNEXIS"), and alleges as follows:

4 NATURE OF THE ACTION

7 1. It is estimated that one in four adults in the United States have a criminal record of some
 8 kind and that more than ninety percent of all employers in the United States perform criminal
 9 background checks on job candidates.¹

10 2. Most employers are reluctant to hire people with conviction history.²

11 3. Existing law requires employers to consider a myriad of relevant factors, including the
 12 age, nature, and severity of a job applicant's criminal record and the duties to be performed,
 13 before making an adverse employment decision based on a person's criminal record.³

14 4. It is therefore imperative that criminal background check companies provide accurate,
 15 complete, and up-to-date information about a job applicant's criminal record.

16 5. To further this compelling interest, both Congress (through the Fair Credit Reporting Act
 17 ("FCRA") under 15 USC §1681 *et seq.*) and the California legislature (through the Investigative
 18 Consumer Reporting Agencies Act ("ICRAA") under Cal. Civ. C. §1786 *et seq.*) have enacted
 19 comprehensive legislation regulating the procurement and issuance of background check reports,
 20 stating that "[i]nvestigative consumer reporting agencies have assumed a vital role" and that
 21 "there is need to insure that investigative consumer reporting agencies exercise their grave
 22 responsibilities with fairness, impartiality, and a respect for the consumer's right to privacy."
 23 Cal. Civ. C. §1786; *see also* 15 USC §1681(a).

24
 25
 26 1. NAT'L CONSUMER LAW CTR., BROKEN RECORDS: HOW ERRORS BY CRIMINAL BACKGROUND CHECKING
 27 COMPANIES HARM WORKERS AND BUSINESSES (Apr. 2012), at 3. *See also* SOC'Y FOR HUMAN RES. MGMT.,
 28 BACKGROUND CHECKING: CONDUCTING CRIMINAL BACKGROUND CHECKS, slide 3 (Jan. 22, 2010), located at
 29 <http://www.slideshare.net/shrm/background-check-criminal> (last visited on May 2, 2012); Ben Geiger, *Comment:*
 30 *The Case for Treating Ex-Offenders as a Suspect Class*, 94 CAL. L. REV. 1191, 1193 (2006).

31 2. Harry Holzer, Steven Raphael & Michael A. Stoll, *Employer Demand for Ex-Offenders: Recent Evidence from*
 32 *Los Angeles*, Nat'l Crim. J. Ref. Svs. (March 2003), available at
<https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=244705>.

33 3. *See generally* Equal Employment Opportunity Commission, Enforcement Guidance on the Consideration of
 Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as
 amended, 42 U.S.C. § 2000e *et seq.* (Apr. 25, 2012), available at
http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

1 6. Both the FCRA and the ICRAA requires a background check company to follow
2 extremely stringent procedures to ensure that whenever criminal history information is reported,
3 it is accurate, complete, and up to date. Under 15 USC §1681e(b) and Cal. Civ. C. §1786.20(b) a
4 background check company "shall follow reasonable procedures to assure *maximum possible*
5 *accuracy* of the information concerning the individual about whom the report relates."
6 (Emphasis added).

7 7. In addition, when public records information such as criminal history information is
8 reported in the employment context, the background check company is required to "maintain
9 *strict procedures* designed to insure that...[the information reported] is complete and up to date."
10 15 USC §1681k(a)(2); Cal. Civ. C. §1786.28(b) (emphasis added).

11 8. In addition to the procedural safeguards, the ICRAA also prohibits background check
12 companies from reporting obsolete information, including criminal records, that "from the date
13 of disposition, release, or parole, antedate the report by more than seven years." It also prohibits
14 reporting information "if at any time is learned that... a conviction did not result." Cal. Civ. C. §
15 1786.18(a)(7).

16 9. Defendant failed to fulfill its statutory duties under the FCRA and the ICRAA, as a result
17 of which a background check report containing inaccurate, incomplete, and out-of-date
18 concerning Plaintiff was furnished to her prospective employer and Plaintiff was denied
19 employment.

20 10. Plaintiff seeks actual damages, punitive damages, and equitable relief, including costs
21 and expenses of litigation, including attorney's fees, and appropriate injunctive relief requiring
22 Defendants to comply with its legal obligations, as well as additional and further relief as may be
23 appropriate. Plaintiffs reserve the right to amend this Complaint to add additional relief as
24 permitted under applicable law.

25 THE PARTIES

26
27
28 1. Plaintiff JANE DOE is, and at all times relevant herein was, a resident of the County of
29 Alameda in the State of California.

30 2. Defendant LEXISNEXIS RISK SOLUTIONS, INC. is and at all times herein mentioned
31 was, a foreign corporation doing business in the State of California.

32 3. LEXISNEXIS is an entity regulated under both the FCRA and the ICRAA.

1 4. For purposes of the FCRA, LEXISNEXIS is a "consumer reporting agency" as defined
2 under 15 USC §1681a(f) because they are "person which, for monetary fees, dues...regularly
3 engages in whole or in part in the practice of assembling or evaluating consumer credit
4 information or other information on consumers for the purpose of furnishing consumer reports to
5 third parties, and which uses any means or facility of interstate commerce for the purpose of
6 preparing or furnishing *consumer reports*." (Emphasis added).

7 5. A "consumer report" is "any written, oral, or other communication of any information by
8 a consumer reporting agency bearing on a consumer's credit worthiness, credit standing, credit
9 capacity, *character, general reputation, personal characteristics, or mode of living* which is
10 used or expected to be used or collected in whole or in part for the purpose of serving as a factor
11 in establishing the consumer's eligibility for....employment." 15 USC §1681a(d) (emphasis
12 added).

13 6. For purposes of the ICRAA, LEXISNEXIS is an "investigative consumer reporting
14 agency" as defined under Cal. Civ. C. §1786.2(d) because they are "person who, for monetary
15 fees or dues, engages in whole or in part in the practice of collecting, assembling, evaluating,
16 compiling, reporting, transmitting, transferring, or communicating information concerning
17 consumers for the purposes of furnishing *investigative consumer reports* to third parties..."
18 (Emphasis added).

19 7. An investigative consumer report is "a consumer report in which information on a
20 consumer's character, general reputation, personal characteristics, or mode of living is obtained
21 through any means..." Cal. Civ. C. §1786.2(c).

22 8. LEXISNEXIS' reports, including the background check report at issue in the present
23 case, contain background information on consumer regarding their general reputation, character,
24 mode of living or other personal characteristics. Among other things, LEXISNEXIS' reports
25 typically include information regarding criminal histories.

26 9. Defendants sell background check reports to, among others, prospective employers.
27 Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and therefore sues
28 those Defendants by such capacities when such information is ascertained.

29 10. Plaintiff is informed and believes and thereon alleges that each of the Doe Defendants is
30 responsible in some manner for the occurrences herein alleged and that Plaintiff's damages as
31 herein alleged were proximately caused by such occurrences.

1 11. Plaintiff is informed and believes and thereon alleges that, at all times herein mentioned,
2 Defendants DOES 1-10, were agents of each other and of the named Defendant and in doing the
3 things alleged in this complaint, were acting in the scope of such agency and with the permission
4 and consent of Defendants.

5
6 **VENUE**
7

8 12. Venue and jurisdiction are proper in this court pursuant to California code of Civil
9 Procedure Sections 395 and 395.5. The cause of action arose in the County of Alameda in the
10 State of California.

11
12 **GENERAL ALLEGATIONS**
13

14 13. On May 9, 2002, Plaintiff pleaded guilty to a single count of grand theft under California
15 Penal Code §487(a). Plaintiff was prosecuted for receiving overpayment of government subsidies
16 furnished pursuant to Section 8 of the Housing Act of 1937 (42 USC §1437), due to the
17 appropriate government agency's failure to properly record her reported income for a period of
18 approximately one year.

19 14. Plaintiff was eight months pregnant at the time of she was charged and prosecuted for the
20 alleged offense. To avoid further confinement pending arraignment and trial, Plaintiff agreed to
21 plead guilty to the charge of grand theft, with the condition that the case would be dismissed
22 upon repayment of the Section 8 overpayments to the appropriate government agency.

23 15. The agreed upon amount of \$6,000 was fully repaid, and dismissal was granted by the
24 Alameda County Superior Court on May 9, 2005. The court recorded on the day's minute order,
25 "Case dismissed in the interest of justice due to civil compromise."

26 16. Plaintiff has no criminal convictions before or after this incident.

27 17. After Plaintiff was laid off following her eleven-year career with the New United Motors
28 Manufacturing Inc. ("New United") due to the company's bankruptcy, she received training and
29 education from the San Joaquin Valley College in Salida, California as an industrial technician.

30 18. Through the program at the San Joaquin Valley College, Plaintiff found out about an
31 employment position with FRITO-LAY, INC. (hereafter as "FRITO-LAY" or "employer"), and
32 Plaintiff submitted an employment application to FRITO-LAY sometime in January 2012.

1 19. Plaintiff is informed and believes that Plaintiff was one of the few applicants accepted
2 and interviewed, among about 90 applications that FRITO-LAY accepted.

3 20. Plaintiff went through two rounds of interviews with FRITO-LAY. During the second
4 interview, FRITO-LAY's hiring manager stated that Plaintiff was qualified for the position and
5 that she could participate in the "flex" program due to her previous work history with New
6 United and the training and education she received at San Joaquin Valley College as an industrial
7 technician.

8 21. Plaintiff is informed and believes that FRITO-LAY would have offered the job to her if
9 she passed the required background check.

10 22. On or about January 10, 2012, FRITO-LAY requested that Defendants prepare a criminal
11 background check concerning Plaintiff.

12 23. On or about January 23, 2012, Defendants furnished the background check report to
13 FRITO-LAY, which contained inaccurate, incomplete, and not up-to-date information
14 concerning Plaintiff.

15 24. The January 23, 2012 report (hereafter as "the SUBJECT REPORT") contains the
16 following information:⁴

17	Case Reference #	[Redacted]
18	Case Date	05/09/2002
19	Name on File	[Redacted]
20	DoB on File	09/19/XXXX
21	Charge	GRAND THEFT
22	Charge Type	MISDEMEANOR
23	Disposition	NOLO CONTENDERE
24	Date	03/08/2005
25	Sentence	PROBATION 60 MONTHS; JAIL 1 DAY; RESTITUTION
26		RESERVED

27 25. The first glaring inaccuracy of the report is that Defendants failed to report the case as
28 "dismissed" per the Court's minute order recorded on March 8, 2005.

29 26. The SUBJECT REPOT also reported inaccurately that Plaintiff's plea was nolo
30 contendere when in fact a "guilty plea" was entered. The SUBJECT REPOT further inaccurately
31 reported the date of the plea as "03/08/2005" when the plea was entered on "05/08/2002." This

32
⁴ Identifying information has been redacted to protect Plaintiff's identity.

1 inaccuracy misleadingly gives the employer an impression that the crime occurred more recently
2 than it actually was.

3 27. Defendants further reported that Plaintiff was sentenced to probation for 60 months but
4 failed to note that, along with the dismissal of the entire case, her probation was terminated early
5 on March 8, 2005.

6 28. By specifying that the date of disposition was "03/08/2005" rather than "05/08/2002,"
7 Defendants attempted to circumvent the statutory prohibition against the reporting of criminal
8 records "that, from the date of disposition, release, or parole, antedate the report by more than
9 seven years."

10 29. As a result of various problems in the SUBJECT REPORT, Plaintiff lost her valuable
11 employment opportunity with FRITO-LAY. Currently, Plaintiff is at risk of falling behind on her
12 mortgage and losing her family home.

13 30. Under both the FCRA, and the ICRAA, Defendants were required to use "reasonable
14 procedures to insure the maximum possible accuracy of the information reported." In addition,
15 when employment is contemplated, Defendants were required to use "strict procedures" to
16 ensure that the information reported is "complete and up to date."

17 31. LEXISNEXIS is the nation's largest background check company and has been routinely
18 subject to law suits involving its systematic failure in complying with the legal mandates
19 described immediately above and was well-aware of the requirements to insure that the reported
20 information is accurate, complete and up to date.

21 32. Here, Plaintiff's criminal history was public record information and was readily available
22 through Alameda County Court system. Plaintiff is informed and believes that Defendants
23 nevertheless failed to visually inspect, copy, or analyze the readily-available information in
24 reckless disregard of the clear statutory mandate to use "reasonable," and "strict procedure" in
25 providing background check reports that will have a detrimental impact on a consumer's ability
26 to obtain employment.

27 33. Under Cal. Civ. C. §1786.29(a), an investigative consumer reporting agency is required
28 provide, in at least 12-point boldface type setting forth that "... *it is accurately copied from*
29 *public records*"

30 34. Indeed, on the first page of the SUBJECT REPORT, Defendants certified that the
31 information is "...*accurately copied from public records....*" Nevertheless, Defendants
32 intentionally, gross negligently, and/or recklessly failed to obtain and copy readily available

1 public record information from Alameda County Court when reporting Plaintiff's criminal
2 history information.

3 35. In Alameda County, the cost per page for obtaining copies of court documents is \$.50 per
4 page. The Clerk's Documents and Minutes on Plaintiff which would have provided accurate,
5 complete and up to date information on Plaintiff's criminal history consists of only several pages
6 at a cost of less than \$5.

7 36. In 2008, LEXISNEXIS' annual revenue from selling background check reports was
8 approximately \$1 billion (most recent data available to Plaintiff).⁵ According to LEXISNEXIS'
9 own publication, its nationwide "hit-rate" for a search involving somebody with a criminal
10 history is 5.3%.⁶ In other words, LEXISNEXIS is required to conduct a more thorough search to
11 visually inspect, copy, or analyze physical files of public information for at most 5.3% of all
12 background checks that it provides to third-parties. Nevertheless, in a scheme to maximize
13 profits, Defendant knowingly, gross negligently, or recklessly failed to employ a procedure that
14 Defendants knew or should have known is necessary to insure that the public record information
15 reported is accurate, complete, and up to date.

16 37. As a direct and foreseeable result of Defendants' wrongful conduct, Plaintiff lost a
17 valuable employment opportunity, suffered significant economic, emotional, and mental distress,
18 and is at risk of losing her home as a result of Defendants' profit-maximizing measures that
19 disregard substantial potential harm to consumers.

20 21 FIRST CAUSE OF ACTION

22 (Violation of 15 United States Code §1681e(b))
23

24 38. Plaintiff hereby incorporates by reference the allegations of paragraphs 1-38, inclusive.

25 39. Upon information and belief, Defendants have not, and currently do not, follow
26 reasonable procedures to assure maximum possible accuracy of the information concerning the
27 individual about whom the report relates.
28
29
30

31 ⁵ BROKEN RECORDS, at 8.

32 ⁶ LexisNexis Risk Solutions Screening, LexisNexis 2012 Nonprofit Screening Review: The Positive Power of
Information (2012), at p.10, located at http://img.en25.com/Web/LexisNexis/LN_NonProfit12.pdf (last visited on
May 8, 2012).

40. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available public records information concerning Plaintiff, which failure led to the inaccuracies in the SUBJECT REPORT.

41. Defendant's violations were willful or reckless because Defendants were aware of their obligations under the FCRA but nonetheless consciously elected to disregard their obligations.

42. Defendants' violations entitle Plaintiff to damages pursuant to 15 USC §§ 1681n and 1681o, including but not limited to the actual harms suffered by Plaintiff as a direct legal, proximate, and foreseeable result of Defendant's violations as well as punitive damages.

SECOND CAUSE OF ACTION (Violation of 15 United States Code §1681k(b))

43. Plaintiff hereby incorporates by reference the allegations of paragraphs 1-38, inclusive.

44. Upon information and belief, Defendants failed to provide Plaintiff contemporaneous notice of the fact that public record information is being reported pursuant to 15 USC §1681k(a)(1) and have not and currently do not maintain strict procedures designed to insure that whenever public record information which is likely to have an adverse effect on a consumer's ability to obtain employment is reported it is complete and up to date.

45. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available public records information concerning Plaintiff resulting in a report containing information that is not complete and up to date.

46. Defendants' violations were willful or reckless because Defendants were aware of their obligations under the FCRA but nonetheless consciously elected to disregard their obligations.

47. Defendants' violations entitle Plaintiff to damages Pursuant to 15 USC 1681n and 1681o, including, but not limited to, the actual harms suffered by Plaintiff as a direct legal, proximate, and foreseeable result of Defendants' violations as well as punitive damages.

THIRD CAUSE OF ACTION (Violation of California Civil Code §§1786.18(a)(7); 1786.20(a))

48. Plaintiff hereby incorporates by reference the allegations of paragraph 1-38, inclusive.

1 49. Cal. Civ. C. § 1786.18(a)(7) prohibits an investigative consumer reporting agency from
2 making or furnishing any background check reports such as an investigative consumer reporting
3 containing any information about "[r]ecords of arrest, indictment, information, misdemeanor
4 complaint, or conviction of a crime that, from the date of disposition, release, or parole, antedate
5 the report by more than seven years." It further prohibits an investigative consumer reporting
6 agency from reporting any of the above information "if at any time it is learned that... in the case
7 of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result."

8 50. Cal. Civ. C. § 1786.20(a) requires that an investigative consumer reporting agency to
9 "maintain reasonable procedures designed to avoid violations of Section 1786.18."

10 51. Plaintiff's conviction, which was subsequently dismissed, resulted on May 9, 2002, which
11 antedated the SUBJECT REPORT by more than seven years from the date of disposition,
12 release, or parole.

13 52. In addition, Plaintiff's case was dismissed in the interests of justice due to civil
14 compromise, and a conviction did not result in the case as a matter of law.

15 53. By failing to maintain procedures to accurately check the final and up-to-date disposition
16 of Plaintiff's case, Defendants failed to maintain reasonable procedures designed to avoid
17 reporting information that antedate the investigative consumer report by more than seven years
18 and to avoid reporting information about criminal records where a conviction did not result.

19 54. Defendant's violations were willful or grossly negligent because Defendants were aware
20 of their obligations under the ICRAA but nonetheless consciously elected to disregard their
21 obligations.

22 55. Defendants' violations entitle Plaintiff to damages Pursuant to Civ. Code 1786.50(a) and
23 (b), including, but not limited to, the actual harms suffered by Plaintiff as a direct legal,
24 proximate, and foreseeable result of Defendants' violations as well as punitive damages.

25
26 **FOURTH CAUSE OF ACTION**
27 **(Violation of California Civil Code §1786.20(b))**
28

29 56. Plaintiff hereby incorporates by reference the allegations of paragraphs 1-38, inclusive.

30 57. Upon information and belief, Defendants also have not, and currently do not follow
31 reasonable procedures to assure maximum possible accuracy of the information concerning the
32 individual about whom the report relates.

1 58. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available
2 public records information concerning Plaintiff resulting in inaccuracies in the SUBJECT
3 REPORT.

4 59. Defendants' violations were willful or grossly negligent because Defendants were aware
5 of their obligations under the ICRAA but nonetheless consciously elected to disregard its
6 obligations.

7 60. Defendants' violations entitle Plaintiff to damages Pursuant to Civ. Code 1786.50(a) and
8 (b), including, but not limited to, the actual harms suffered by Plaintiff as a direct legal,
9 proximate, and foreseeable result of Defendants' violations as well as punitive damages.

10
11 **FIFTH CAUSE OF ACTION**
12 **(Violation of California Civil Code §1786.28(b))**
13

14 61. Plaintiff hereby incorporates by reference the allegations of paragraphs 1-38, inclusive.

15 62. Upon information and belief, Defendants have not and currently do not maintain strict
16 procedures designed to insure that whenever public record information which is likely to have an
17 adverse effect on a consumer's ability to obtain employment is reported it is complete and up to
18 date.

19 63. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available
20 public records information on Plaintiff resulting in a report containing information that is not
21 complete and up to date.

22 64. Defendants' violations were willful or grossly negligent because Defendants were aware
23 of their obligations under the ICRAA but nonetheless consciously elected to disregard their
24 obligations.

25 65. Defendants' violations entitle Plaintiff to damages Pursuant to Civ. Code 1786.50(a) and
26 (b), including, but not limited to, the actual harms suffered by Plaintiff as a direct legal,
27 proximate, and foreseeable result of Defendants' violations as well as punitive damages.

28
29 **SIXTH CAUSE OF ACTION**
30 **(Violation of California B&P §17200 *et seq.*)**
31

32 66. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 - 38, inclusive.

1 67. California Business and Professions Code §17200 *et seq.* prohibits acts of unfair
2 competition, which mean and include any “unlawful...business act or practice.”

3 68. As more fully described above, the acts and practices alleged herein are unlawful as they
4 violate numerous statutory provisions, including 15 USC §§1681e and 1681k, and California
5 Civil Code §§1786.18(c), 1786.20(a), 1786.20(b) and 1786.28(b).

6 69. The acts and practices engaged in by Defendants and alleged herein harmed Plaintiff and,
7 on information and belief, have harmed other California consumers. On information and belief,
8 Defendants' conduct is ongoing and continues to this date.

9 70. Plaintiff alleges that Defendants' misconduct, as alleged herein, gave, and continues to
10 give Defendants an unfair competitive advantage.

11 71. As a direct and proximate result of Defendants' aforementioned acts, Defendants have
12 prospered and benefitted from the sales of its non-compliant screening reports, and have been
13 unjustly enriched by providing non-compliant reports on Plaintiffs and on other consumers and
14 should be enjoined from continuing such practices under California Business & Professions
15 Code §17200 and related sections.

16
17 **SEVENTH CAUSE OF ACTION**
18 **(Violation of California B&P Code §17200 *et seq.*)**
19

20 72. Plaintiff hereby incorporates by reference the allegations of paragraphs 1 - 38, inclusive.

21 73. California Business and Professions Code §17200, *et seq.* prohibits acts of unfair
22 competition, which mean and include any “unfair...business act or practice.”

23 74. As more fully described above, Defendants' acts and practices constitute unfair business
24 acts or practices within the meaning of Business and Professions Code §17200, *et seq.* in that the
25 justification for Defendants' conduct, if any, is outweighed by the harm to the general public.
26 Such conduct is also contrary to public policy, immoral, unethical, oppressive, unscrupulous
27 and/or substantially injurious to consumers. On information and belief, Defendants' unfair
28 conduct is ongoing and continues to this date.

29 75. The acts and practices engaged in by Defendants and alleged herein harmed Plaintiff and,
30 on information and belief, have harmed other California consumers. On information and belief,
31 Defendants' conduct is ongoing and continues to this date.

1 76. Plaintiff alleges that Defendants' misconduct, as alleged herein, gave, and continues to
2 give Defendant an unfair competitive advantage.

3 77. As a direct and proximate result of Defendants' aforementioned acts, Defendants have
4 prospered and benefited from the sales of its non-compliant reports, and have been unjustly
5 enriched by providing of non-compliant screening reports on Plaintiff and on other consumers
6 and should be enjoined from continuing such practices under California Business & Professions
7 Code §17200 and related sections.

8 **PRAYER FOR RELIEF**

9
10 WHEREFORE, Plaintiff prays for judgment against Defendant, and each of them, as follows:

- 11
12 1. For a declaration that Defendants' practices violate the FCRA, 15 United States code
13 §1681 *et seq.*; ICRAA, California Civil Code §1786 *et seq.*
14 2. For compensatory, special, general and punitive damages according to proof against all
15 Defendants;
16 3. For interest upon such damages as permitted by law;
17 4. For an award of reasonable attorney's fees provided by law under all applicable statutes;
18 5. For the costs of suit;
19 6. For injunctive relief; and
20 7. For such other orders of the Court and further relief as the Court deems just and proper.
21

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff hereby request and demand a jury trial on all issues triable by jury.
24
25

26 DATED: May 24, 2012

27 DEVIN H. FOK ESQ.
28 THE LAW OFFICES OF DEVIN H. FOK

29
30 By: 

31 Devin H. Fok

32 Attorney for Plaintiff JANE ROE

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Devin H. Fok (#256599); Joshua E. Kim (#257260) P.O. Box 7165 Alhambra, CA 91802-7165		FOR COURT USE ONLY FILED Los Angeles Superior Court MAY 29 2012 John A. Blacke, Executive Officer/Clerk By <i>[Signature]</i> Deputy DOROTHY SWAIN	
TELEPHONE NO.: 310-430-9933 FAX NO.: 323-563-3445 ATTORNEY FOR (Name): Jane Roe		CASE NUMBER: <div style="font-size: 1.5em; font-weight: bold;">BC485507</div>	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill st. MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk			
CASE NAME: Roe v. LexisNexis et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
JUDGE: DEPT:		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): 7
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 5/16/2012

Devin H. Fok

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: Roe v. LexisNexis	CASE NUMBER BC485507
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 10 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	

SHORT TITLE: Roe v. LexisNexis	CASE NUMBER
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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
	Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input checked="" type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Contract	Breach of Contract/ Warranty (06) (not Insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
	Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
	Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Real Property	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
	Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Roe v. LexisNexis	CASE NUMBER
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	A Civil Case Cover Sheet- Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.	
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.	
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.	
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.	
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.	
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.	
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.	
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.	
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.	
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.	
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.	
	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.	
	Miscellaneous Civil Complaints	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
		Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
		Miscellaneous Civil Petitions	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition

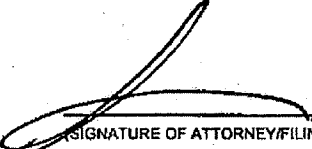
SHORT TITLE: Roe v. LexisNexis	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: Los Angeles, CA
CITY: Los Angeles	STATE: CA	ZIP CODE: 90059	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 5/16/2012


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3) ss
 4 COUNTY OF LOS ANGELES)

5 I am a resident of the State of California, over the age of eighteen years, and
 6 not a party to the within action. My business address is 333 S. Hope Street, Suite
 7 3900, Los Angeles, California 90071. On July 20, 2012, I served the within
 documents:

8 **NOTICE OF REMOVAL OF CIVIL ACTION TO UNITED STATE**
 9 **DISTRICT COURT PURSUANT TO 28 U.S.C. §§ 1441 (a) and (b)**

10 ☒ by placing the document(s) listed above in a sealed envelope with postage
 11 thereon fully prepaid, in the United States mail at Los Angeles, addressed
 12 as set forth below.

13 Devin H. Fok, Esq.
 14 The Law Offices Of Devin H. Fok
 15 P.O. Box 7165
 16 Alhambra, California 91802-7165
 17 Tel (310) 430-9933
 Fax (323) 563-3445

Joshua E. Kim, Esq.
 A New Way Of Life Reentry Project
 P.O. Box 875288
 Los Angeles, California 90087
 Tel (323) 563-3575
 Fax (323) 563-3445

18 I am readily familiar with the firm's practice of collection and processing
 19 correspondence for mailing. Under that practice it would be deposited with the
 20 U.S. Postal Service on that same day with postage thereon fully prepaid in the
 21 ordinary course of business. I am aware that on motion of the party served, service
 is presumed invalid if postal cancellation date or postage meter date is more than
 one day after the date of deposit for mailing in affidavit.

22 I declare that I am employed in the office of a member of the bar of this
 23 court whose direction the service was made.

24 Executed on July 20, 2012, at Los Angeles , California.

25 
 26 Blanca Guerra
 27
 28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Gary A. Feess and the assigned discovery Magistrate Judge is Charles Eick.

The case number on all documents filed with the Court should read as follows:

CV12- 6284 GAF (Ex)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
JANE ROE

DEFENDANTS
LEXISNEXIS RISK SOLUTIONS INC.

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Devin H. Fok, Esq. of The Law Offices of Devin H. Fok
P.O. Box 7165, Alhambra, California 91802-7165
Tel. (310) 430-9933

Joshua E. Kim, Esq. of A New Way of Life Reentry Project
P.O. Box 875288, Los Angeles, California 90087

Attorneys (If Known)

SEYFARTH SHAW LLP
John R. Giovannone (SBN 239366)
333 South Hope Street, Suite 3900
Los Angeles, California 90071
Tel. (213) 270-9600
Fax (213) 270-9601

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$ IN EXCESS OF \$25,000

VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 U.S.C. Sections 1331, 1441 and 1446

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input checked="" type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 61 HIA(1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923) 405(g)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW 405(g)
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-6284

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW

COPY

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s):

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Plaintiff JANE ROE - Alameda County

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Defendant LEXISNEXIS RISK SOLUTIONS INC. - GEORGIA

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
 Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
STATE COURT ACTION FILED IN LOS ANGELES COUNTY	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

John R. Giovannone, Attorney for Defendant

Date July 20, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA)
 3) ss
 4 COUNTY OF LOS ANGELES)

5 I am a resident of the State of California, over the age of eighteen years, and
 6 not a party to the within action. My business address is 333 S. Hope Street, Suite
 7 3900, Los Angeles, California 90071. On July 20, 2012, I served the within
 documents:

8 **CIVIL COVER SHEET**

9 ☒ by placing the document(s) listed above in a sealed envelope with postage
 10 thereon fully prepaid, in the United States mail at Los Angeles, addressed
 11 as set forth below.

12 Devin H. Fok, Esq.
 13 The Law Offices Of Devin H. Fok
 14 P.O. Box 7165
 15 Alhambra, California 91802-7165
 16 Tel (310) 430-9933
 Fax (323) 563-3445

Joshua E. Kim, Esq.
 A New Way Of Life Reentry Project
 P.O. Box 875288
 Los Angeles, California 90087
 Tel (323) 563-3575
 Fax (323) 563-3445

17 I am readily familiar with the firm's practice of collection and processing
 18 correspondence for mailing. Under that practice it would be deposited with the
 19 U.S. Postal Service on that same day with postage thereon fully prepaid in the
 20 ordinary course of business. I am aware that on motion of the party served, service
 21 is presumed invalid if postal cancellation date or postage meter date is more than
 one day after the date of deposit for mailing in affidavit.

22 I declare that I am employed in the office of a member of the bar of this
 23 court whose direction the service was made.

24 Executed on July 20, 2012, at Los Angeles , California.

25 
 26 Blanca Guerra